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Attorneys for Nominal Defendant  
BROCADE COMMUNICATIONS SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARY E. BARBOUR AS TRUSTEE FOR THE  
MARY E. BARBOUR FAMILY TRUST ONE,  
Derivatively On Behalf of BROCADE  
COMMUNICATIONS SYSTEMS, INC.,

Plaintiff,

vs.

GREGORY L. REYES, DAVID L. HOUSE,  
MICHAEL KLAYKO, RICHARD  
DERANLEAU, KUMAR MALAVALLI  
ANTONIO CANOVA, MICHAEL J. BYRD,  
STEPHANIE JENSEN, NEIL DEMPSEY,  
SANJAY VASWANI, L. WILLIAM KRAUSE,  
ROBERT R. WALKER, GLENN C. JONES,  
MICHAEL J. ROSE, SETH D. NEIMAN,  
NICHOLAS G. MOORE, CHRISTOPHER B.  
PAISLEY, WILLIAM K. O'BRIEN, LARRY  
SONSINI, MARK LESLIE, TYLER WALL,  
RENATO A. DIPENTIMA, JOHN W.  
GERDELMAN, KPMG, LLP, WILSON SONSINI  
GOODRICH & ROSATI, P.C. AND DOES 1-25,  
inclusive,

Defendants,

and

BROCADE COMMUNICATIONS SYSTEMS,  
INC., a Delaware corporation,

Nominal Defendant.

Case No. C 08-2029 CRB

**BROCADE COMMUNICATION SYSTEMS,  
INC.'S CASE MANAGEMENT  
CONFERENCE STATEMENT**

**DATE: JUNE 12, 2008**  
**TIME: 1:30 P.M.**  
**DEPT.: 8**

1 Brocade Communications Systems, Inc. (“Brocade”) submits this Case Management  
2 Statement pursuant to Civil Local Rule 16.10.<sup>1</sup>

3 **PROCEDURAL BACKGROUND AND RELATED CASES.**

4 On April 15, 2008, plaintiff filed a new derivative action in federal court captioned  
5 *Barbour v. Reyes*, Case No. CV 08-2029. The *Barbour* complaint alleges claims nearly identical  
6 to those in the state and federal derivative actions (*In re Brocade Communications Systems, Inc.*  
7 *Derivative Litigation*, No. C05-02233 CRB and *In re Brocade Communication Systems, Inc.*  
8 *Derivative Litigation*, Lead Case No.: 1:05-CV-041683, respectively), although it adds new  
9 claims for violations of and conspiracy to violate the Racketeer Influenced and Corrupt  
10 Organizations Act (“RICO”). The *Barbour* complaint names the following defendants who had  
11 not been sued in any other related derivative action: John Gerdelman, Renato DiPentima, Tyler  
12 Wall, Wilson Sonsini Goodrich & Rosati, P.C., Michael Rose, and Glenn Jones (the latter two  
13 individuals were defendants previously dismissed from the State Action). On May 27, 2008, the  
14 Court granted the *Barbour* plaintiff’s Administrative Motion to Consider Whether Cases Should  
15 Be Related Pursuant to L.R. 3-12(b), relating but not consolidating this case with *In re Brocade*  
16 *Communications Systems, Inc. Derivative Litigation*, No. C05-02233 CRB (“Consolidated  
17 Actions”), incorporated herein by reference.

18 On June 6, 2008 and June 9, 2008, respectively, Brocade filed a joint case management  
19 statement and supplemental joint case management statement in the Consolidated Actions. The  
20 first statement discusses the procedural status of that action as well as the above-entitled action,  
21 and the supplemental statement attaches a status report from counsel for Brocade’s Special  
22 Litigation Committee. Therefore, Brocade respectfully refers the Court to these statements,  
23 incorporated by reference herein.

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26 <sup>1</sup> Brocade recognizes that this Statement does not cover all of the topics contemplated under L.R.  
27 16-10. However, given the procedural posture of this case, Brocade believes that it is both  
28 appropriate to respond in this format and premature to address many of the items identified in  
L.R. 16-10.

1 Dated: June 11, 2008

COOLEY GODWARD KRONISH LLP

3  
4 /s/ Grant P. Fondo

Grant P. Fondo

5 Attorneys For Nominal Defendant  
6 BROCADE COMMUNICATIONS  
7 SYSTEMS, INC.  
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